

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

STUDENTS FOR FAIR ADMISSIONS

Plaintiff,

v.

UNITED STATES MILITARY ACADEMY
AT WEST POINT; THE UNITED STATES
DEPARTMENT OF DEFENSE; LLOYD
AUSTIN, in his official capacity as Secretary of
Defense; CHRISTINE WORMUTH, in her of-
ficial capacity as Secretary of the Army; LIEU-
TENANT GENERAL STEVEN GILLAND,
in his official capacity as Superintendent of the
United States Military Academy; and LIEU-
TENANT COLONEL RANCE LEE, in his
official capacity as Director of Admissions for
the United States Military Academy at West
Point,

Defendants.

No. 7:23-cv-08262

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION**

UPON the declarations of James Hasson and Edward Blum, sworn to the 19th day of September 2023; the declaration of Member A, sworn to the 13th day of September 2023; and the declaration of Member C, sworn to the 5th day of October 2023, and upon the copy of the complaint available via ECF (Doc. 1), it is

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room 520, Federal Building and Courthouse, 300 Quarropas Street, in the City of White Plains, County of Westchester, and State of New York, on December 21, 2023, at 11 o'clock in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants during the pendency of this action from considering race as a factor when making admissions decisions; and it is further

~~ORDERED~~ that security in the amount of \$_____ be posted by the plaintiff prior to _____, 202__, at _____ o'clock in the _____ noon of that day, and it is further

~~ORDERED~~ that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel via ECF filing on or before _____ o'clock in the _____ noon, _____, 202__, shall be deemed good and sufficient service thereof.

ORDERED that this Order to Show Cause and the papers upon which it is based are deemed served upon Defendants via ECF filing, provided that Plaintiff complies with the Court's Order to file an affidavit of service or waiver of service of the complaint consistent with Fed. R. Civ. P. 4; and it is further

ORDERED that Defendants' opposition papers shall be served and filed by November 17, 2023; and Plaintiff's reply papers shall be served and filed by November 29, 2023.

If after the motion is fully submitted the Court believes oral argument is unnecessary it will so advise the parties.

SO ORDERED.

Dated: White Plains, New York

Issued: October 31, 2023



United States District Judge